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1 WHEREAS, upon their own initiative and at the Court's direction with the assistance of
2 the Settlement Master consistent with Pretrial Order No. 6 (Dkt. No. 973), the United States on
3 behalf of the Environmental Protection Agency ("EPA"), Volkswagen AG, Audi AG,
4 Volkswagen Group of America, Inc., and Volkswagen Group of America Chattanooga
5 Operations, LLC ("Defendants"), the United States Federal Trade Commission, and the
6 Plaintiffs' Steering Committee ("PSC") (collectively, "Parties"), together with the California Air
7 Resources Board and the California Office of the Attorney General (together, "California"), have
8 been discussing and will continue to discuss pre-trial resolution of certain claims related to
9 Defendants' 2.0 liter diesel vehicles;

10 WHEREAS, the Court requested an answer from Defendants and the EPA regarding
11 whether there exists a technological solution for the subject vehicles within parameters that EPA
12 believes acceptable to it (Feb. 25, 2016 Tr. 14:14-18);

13 WHEREAS, the United States, on behalf of EPA; California; and the Defendants have
14 reached an agreement in principle, which the Federal Trade Commission supports pending final
15 Commission approval, regarding the partial resolution of certain claims related to Defendants'
16 2.0 liter diesel vehicles, and wish to maintain the confidentiality of that agreement, the
17 discussions leading to that agreement, and further discussions regarding the resolution of these
18 and other claims;

19 WHEREAS, the PSC and Defendants have reached an agreement in principle regarding
20 the resolution of claims related to Defendants' 2.0 liter diesel vehicles, which will require the
21 drafting of further settlement-related documentation, in coordination with the United States, the
22 Federal Trade Commission and other Parties, including class notice for this Court's review;

23 WHEREAS, the Parties recognize that certain settlement-related documents or
24 information may need to be shared among the Parties and California, and with other entities or
25 individuals that are not party to the MDL but that have potential claims related to Defendants'
26 2.0 liter diesel vehicles;

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
2 the Parties:

3 Pursuant to the Court's inherent jurisdiction and Federal Rule of Evidence 408, every
4 recipient of this Order shall treat the agreements in principle between and among the Parties and
5 California, and all appendices thereto ("AIPs"), and all drafts of all term sheets, appendices,
6 release agreements, consent decrees, and communications regarding partial resolution of certain
7 claims related to Defendants' 2.0 liter diesel vehicles (including the substance of any discussions
8 and any document prepared in connection therewith) (collectively, "Settlement Documents and
9 Communications") as strictly confidential.

10 Government Coordinating Counsel, Defendants' Liaison Counsel for the Volkswagen
11 Group Defendants, and Plaintiffs' Lead Counsel for the PSC ("Coordinating Counsel") may
12 share Settlement Documents and Communications, whether draft or final, subject to this Order
13 with any individual employed by or retained on behalf of the group for which it has coordinating
14 authority (e.g., Government Coordinating Counsel for federal and state governmental entities), if
15 that individual has a need to know the information to further resolution of these matters or if
16 such information is otherwise required to perform their official duties.

17 Coordinating Counsel shall each keep a list of all individuals within the group for which
18 it has coordinating authority who have received a copy of the final AIP, which shall include the
19 name, title and affiliation of each individual. Coordinating Counsel shall periodically provide
20 updated copies of these lists to the Settlement Master. Except in the event of a good-faith claim
21 of violation of this Order, Coordinating Counsel agree not to request copies of these lists or
22 determine the identities of the individuals on them.

23 No one shall share Settlement Documents or Communications, whether draft or final,
24 subject to this Order with any individual not employed by or retained on behalf of a Party, as
25 defined herein, or California without express written consent by all Coordinating Counsel. Prior
26 to receiving any Settlement Documents or Communications pursuant to this paragraph, each
27 non-party individual must be provided a copy of this Order and must agree to be bound by it.
28

1 Settlement Documents and Communications shall be deemed exempt under the Freedom
2 of Information Act, 5 U.S.C. § 552, and any corresponding state open records acts absent good
3 cause shown in this proceeding.

4 Before Friday, April 22, 2016 at 5:00 pm PT, the Parties shall provide a copy of this
5 Order to all persons who have been included in settlement discussions.

6 Any person found to be in violation of this Order will be subject to imposition of
7 sanctions.

8 Dated: April 22, 2016

Respectfully submitted,

9 By: /s/Joshua H. Van Eaton

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12 Environmental Enforcement Section

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UNITED STATES DEPARTMENT OF JUSTICE

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1 Dated: April 22, 2016

Respectfully submitted,

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12 *Co-Liaison Counsel for the Volkswagen Group*
13 *Defendants*

14 Dated: April 22, 2016

Respectfully submitted,

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20 *Plaintiffs' Lead Counsel*

1 Dated: April 22, 2016

Respectfully submitted,

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7 *Co-Liaison Counsel for the Volkswagen Group*
8 *Defendants*

9 * * *

10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11
12 DATED: APRIL 22, 2016.

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14 CHARLES R. BREYER
United States District Judge